

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION

IN RE:
CAH ACQUISITION COMPANY 12,
LLC d/b/a FAIRFAX COMMUNITY
HOSPITAL

CHAPTER 11

CASE NO: 19-01697-5-JNC

DEBTOR(S)

☐ Check if this is an amended filing

CHAPTER 11 POST-CONFIRMATION REPORT
PURSUANT TO THE ORDER CONFIRMING PLAN

REPORTING PERIOD COVERED: 2nd Quarter 2023

DATE PLAN CONFIRMED: 12/07/2020

EFFECTIVE DATE OF PLAN: 12/22/2020

ESTIMATED CLOSING DATE: _____

I/We declare under penalty of perjury that the information contained in this report is true and correct to the best of my/our knowledge and belief.

DEBTOR:

JOINT DEBTOR:

Printed Name: Thomas W. Waldrep, Jr.

Printed Name: _____

Date: July 28, 2023

Date: _____

Signature: s/Thomas W. Waldrep, Jr.

Signature: _____

Title (for Corporate Debtor): Litigation Trustee

I have read the information in this report and the information contained herein is true and correct to the best of my knowledge and belief:

ATTORNEY FOR TRUSTEE:

Printed Name: Thomas W. Waldrep, Jr.

Date: July 28, 2023

Signature: s/Thomas W. Waldrep, Jr.

Penalty for making a false statement or filing a false report: Fine of up to \$500,000.00 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

Revised December 2017

PAYMENTS TO CREDITORS

Class 1 – (Creditor(s) in this Class: **Priority Non-Tax Claims**)

(a) Date payments commence to this Class: **30 days post-Effective Date or as soon as practicable**

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: **\$ 0.00**

(e) Total amount paid this Quarter: **\$ 0.00**

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 2 – (Creditor(s) in this Class: **Gemino Note Secured Claim**)

(a) Date payments commence to this Class: **30 days post-Effective Date or as soon as practicable**

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: **\$ 0.00**

(e) Total amount paid this Quarter: **\$ 0.00**

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 3 – (Creditor(s) in this Class: Secured Claims of Other Lienholders)

- (a) Date payments commence to this Class: n/a
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered, ☐ Unsecured Creditor Treatment, ☒ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other
- (d) Total amount required to be paid this Quarter: \$ 0.00
- (e) Total amount paid this Quarter: \$ 0.00
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 4 – (Creditor(s) in this Class: Cohesive Claim)

- (a) Date payments commence to this Class: 30 days post-Effective Date or as soon as practicable
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered, ☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other
- (d) Total amount required to be paid this Quarter: \$ 0.00
- (e) Total amount paid this Quarter: \$ 0.00
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 5 – (Creditor(s) in this Class: **CBSG Claim**)

- (a) Date payments commence to this Class: 30 days post-Effective Date or as soon as practicable
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered, ☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other
- (d) Total amount required to be paid this Quarter: \$ 0.00
- (e) Total amount paid this Quarter: \$ 0.00
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 6 – (Creditor(s) in this Class: **General Unsecured Claims**)

- (a) Date payments commence to this Class: n/a
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered, ☒ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other
- (d) Total amount required to be paid this Quarter: \$ 0.00
- (e) Total amount paid this Quarter: \$ 0.00
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

General Unsecured Claims will be paid pro rata from GUC Litigation Trust Assets pursuant to the Plan, which requires the resolution of all Objections to Claims and payment of all other Classes of Claims, statutory fees, and costs of administration beforehand. Thus, the amount of GUC Litigation Trust Assets cannot be determined at this time.

Class 7 – (Creditor(s) in this Class: Convenience Claims)

(a) Date payments commence to this Class: 30 days post-Effective Date or as soon as practicable

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,

☒ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: \$ 0.00

(e) Total amount paid this Quarter: \$ 0.00

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

No payments made, as Trustee is reserving all available funds while prosecuting claim objections in classes of higher priority (e.g. administrative expense and priority non-tax claims).

Class 8 – (Creditor(s) in this Class: Equity Interests)

(a) Date payments commence to this Class: n/a

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,

☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: \$ 0.00

(e) Total amount paid this Quarter: \$ 0.00

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

The Plan provides for no payment to Class 8 Equity Interest holders unless and until holders of General Unsecured Claims have been paid in full.

PAYMENTS TO NON-CLASSIFIED CLAIMS

☐ Check if this form is not applicable to the Debtor(s)

A.) Name of Claimants: **Priority Tax Claims**

(a) Date payments commence to these creditors: **30 days post-Effective Date or as soon as practicable**

(b) No payments due (if applicable): ☐ Paid in Full, ☐ No Claim Owed

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: **\$ 0.00**

(e) Total amount paid this Quarter: **\$ 0.00**

(f) Is the Debtor in compliance with the Plan with regards to these creditors? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

B.) Name of Claimants: **Administrative Expenses**

(a) Date payments commence to these creditors: **30 days post-Effective Date or as soon as practicable**

(b) No payments due (if applicable): ☐ Paid in Full, ☐ No Claim Owed

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☒ Other

(d) Total amount required to be paid this Quarter: **\$ 250.00**

(e) Total amount paid this Quarter: **\$ 250.00**

(f) Is the Debtor in compliance with the Plan with regards to these creditors? ☒ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

\$250.00 paid in quarterly fees to the Bankruptcy Court (Q1 2023).

PROPERTY SALE REPORT

(a) Does the Plan propose the sale or transfer of property? ☒ Yes ☐ No

(b) If Yes, please complete the following chart:

Description of Property	Date Property Must be Sold	Date Property Sold
Substantially all assets of the Debtor	-	3/20/2020

(c) If the Debtor sold property during the quarter, please complete the following chart:

Description of Property Sold	Date Property Sold	Gross Sale Proceeds	Net Sale Proceeds Paid to Debtor

PAYMENTS TO PROFESSIONALS

Please list any and all payments made to any and all professionals (e.g., attorney, accountant, realtor, etc.) during the reporting period, not otherwise disclosed in this report.

Name of Professional	Date Payment Made	Amount Paid to Professional

MATTERS PENDING

What other specific matters does the Court need to resolve prior to closing the case (e.g., adversary proceedings, claim disputes, filing fee applications, etc.)? Please indicate the nature of each matter, and an estimated time frame that these matters will be resolved:

Main case- On March 20, 2020, the Trustee completed the sale of the Debtor's assets. The Debtor's Chapter 11 Plan was confirmed on December 7, 2020. The Effective Date of the Plan occurred on December 22, 2020.

The Trustee is currently prosecuting AP Nos. 21-00083, 22-00018, 22-00025, 22-00032, 22-00094, 22-00106, and 22-00130 all of which assert claims arising from the laboratory billing schemes. AP No. 22-00111 for turnover of 2020 Stub Cost Payment.

In AP No. 22-00130, Trustee v Rampey Enterprises, Inc., a Motion for Order to Approve Compromise and Settlement Agreement Pursuant to Rule 9019 was filed on July 18, 2023.

CHAPTER 11 QUARTERLY FEES

DISBURSEMENTS INCLUDE: Sum total of all disbursements from all of the Debtor's bank accounts – **and** – payments made on behalf of the Debtor. Disbursements do not include transfers between the Debtor's accounts. Quarterly fees are not prorated.

Calculating the Fee: Use the table at the bottom of the page to compute the Amount of Fee Due for each quarter. Payment of quarterly fees should be submitted to Debtor's attorney, and then Debtor's attorney should submit the payment through www.pay.gov.

2nd Quarter:

	<u>Disbursements made by Debtor</u>	+	<u>Disbursements made on behalf of Debtor</u>
Disbursements for April:	<u>\$0.00</u>	+	<u> </u>
Disbursements for May:	<u>\$250.00</u>	+	<u> </u>
Disbursements for June:	<u>\$0.00</u>	+	<u> </u>
<u>TOTAL:</u>	<u>\$250.00</u>	+	<u>\$0.00</u>
<u>TOTAL DISBURSEMENTS:</u>	<u><u>\$250.00</u></u>		
<u>AMOUNT OF QUARTERLY FEE DUE:</u>	<u><u>\$250.00</u></u> *		

TOTAL QUARTERLY DISBURSEMENTS	QUARTERLY FEE
\$0.00 to \$62,624.00	\$250.00
\$62,625.00 to \$999,999.00	Quarterly disbursements multiplied by 0.004
\$1,000,000.00 to \$31,249,937.00	Quarterly disbursements multiplied by 0.008
\$31,249,938.00 or more	\$250,000.00

* The Amount of Quarterly Fee Due should be rounded to whole dollars. For amounts \$0.50 and above, round up to the next whole dollar. For amounts under \$0.50, round down.